

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
SEPTEMBER 19, 2007
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 19, 2007, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Mr. Joseph Duarte
Acting Deputy Director John Hallahan, representing Director Dora Schriro
Chief Patricia Huntsman
Dr. Michael Polakowski
Chief Jerry Sheridan
Detective Robert Thompson
Sheriff Chris Vasquez
Director Roger Vanderpool

Members Absent:

Attorney General Terry Goddard
Chief Jack Harris
Ms. Wendy Larsen

Staff in Attendance:

Harry Atkins
Ted Brandon
Dan Ciernia
Bob Forry
Tom Hammarstrom
Sandy Hansberger
Lynn Howe
Steve Jacobs
Lori Ketron
Gary Maschner
Lyle Mann
Curt Milam
Sandy Sierra
Maria Valtierra
Rick Watling

Assistant Attorney General
Nancy Beck
Diana Stabler

Solicitor General
Christopher Munns

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:01 a.m.

B. PLAQUE PRESENTATIONS

Director Hammarstrom introduced two new POST staff members. Dan Ciernia is our new Video Production Supervisor and Sandy Hansberger is our new Administrative Secretary.

Director Hammarstrom presented plaques to Kim Stamper, Laura Molinaro, Tom Gussie, Nick Margiota and Joe Pradzik for their outstanding service in regards to training in the effective police response to persons with mental illness and developmental disabilities and dissemination of resource guides to law enforcement personnel throughout the state.

C. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Chief Sheridan, seconded by Chief Huntsman.

1. Minutes of the Regular Board meeting, held on July 11, 2007, were approved as written.
2. Minutes of the Charging Board meeting, held on August 15, 2007, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, October 17, 2007, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, November 14, 2007, 2:00 p.m. at the Little America Hotel, located in Flagstaff, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
5. Decertification Case Status Report - As of July 31, 2007, the Compliance and Standards Unit had a caseload of 145 active cases. 10 cases are ready for initial presentation; 58 cases need further investigation; 22 cases are pending service of or response to a Notice of Complaint or Decision; 13 cases are pending hearing; 5 cases are ready for final action, and 37 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.
6. Income and Expense Statement – July 2007

Funds as of July 1, 2007	\$ 2,334,692.97
CJEF Revenue	733,925.56
Expenditures/Encumbrances	(984,651.76)
Balance for July 31, 2007	\$ 2,083,966.77

D. REGULAR AGENDA

1. Academy Reimbursement for Full Time Academies
 Director Hammarstrom informed the Board that all full-time basic training academies need to be reimbursed at the same rate of \$2650 per graduate. Reimbursing all full-time academies at the same rate will ensure that basic training capacities will continue and will provide incentives for these academies to admit other agency personnel.

Chief Huntsman made a motion that the Arizona POST basic training compensation policy be revised to compensate all Board approved full-time basic training programs, except ALEA and SALETC, at the same rate, seconded by Chief Sheridan, motion carried unanimously.

2. Tucson Police Department Petition on Behalf of Glenn Whiting
 The Tucson Police Department has petitioned the Board to determine that the otherwise disqualifying conduct by applicant Glenn Whiting constitutes juvenile indiscretion.

The Board considered comments from Assistant A. G. Diana Stabler and Sgt. Lee McNitt from the Tucson Police Department.

Director Vanderpool moved to grant the petition for a determination that the pre-employment felony crimes by Glenn Whiting constitute juvenile indiscretion, seconded by Chief Sheridan, motion carried unanimously.

3. Casa Grande Police Department Petition on Behalf of Erik Moe
The Casa Grande Police Department has petitioned the Board to determine that the drug experimentation by applicant Erik Moe was experimental.

Mr. Duarte moved to grant the petition for a determination that the pre-employment drug use by Erik Moe was experimental, seconded by Chief Sheridan, motion carried unanimously.

4. Establishment of AZ POST Law Enforcement Training Coordinator Position

Director Hammarstrom informed the Board that POST staff is requesting a new classification titled AZ POST Law Enforcement Training Coordinator to supervise the training program and staff at AZ POST.

Chief Huntsman made a motion that staff work with DPS Human Resources and the Law Enforcement Merit System Council to establish the position of AZ POST Law Enforcement Training Coordinator, seconded by Sheriff Vasquez, motion carried unanimously.

E. LEGISLATIVE UPDATE

Deputy Director Mann informed the Board that the legislature is currently not in session.

F. SUMMARY OF CURRENT EVENTS

Director Hammarstrom informed the Board that he has been in contact with POST directors from New Mexico, Colorado, Utah, as well as representatives from the Bureau of Indian Affairs and the Navajo Nation Police Department. He is looking to meet with these entities to discuss certification issues surrounding the Navajo Nation P.D. Navajo Nation police officers must be certified by all four states and he is hoping to help reduce redundancy in certification requirements.

G. COMMITTEE UPDATE

Director Hammarstrom informed the Board that the POST Basic Training and Facilities Advisory Group met last month to discuss basic training policies and on the training facility needs of Arizona law enforcement. The Advisory Group is looking at the entire basic training infrastructure. He will be coming to Board with recommendations in the future.

H. REPORTS**1. Basic Training**

ALEA – Commander Harry Markley reported they currently have five classes representing 18 agencies with 240 recruits. They would like to thank Coconino County and Tolleson for providing RTOs.

CARLOTA – Director Rod Johnston reported they currently have three classes representing 13 agencies with 34 cadets.

COTA – Commander Jim Branch reported they have graduated 180 cadets since the last meeting. They have seven classes with 188 cadets. They currently have 130 vacancies statewide.

Mesa P.D. Lt. Mark Wesselman reported they currently have one class in session with 38 recruits.

SALETC – Chief Sharon Allen reported they currently have a class representing 11 agencies with 56 recruits. Another class will start October 8, 2007.

3. Department of Corrections – Mr. Hallahan stated Commander Branch summed it up and he had nothing new to report at this time.**I. FINAL ACTION CASES:****Case #1 – Lisa A. Reis – Pima County Sheriff's Office**

Christopher Munns of the Solicitor General's Section of the Office of the Attorney General appeared as legal advisor to the Board. The Board considered comments from Assistant A. G. Nancy Beck and Mike Storie, attorney for Ms. Reis, who filed a Motion for Reconsideration of the Board's decision to revoke Ms. Reis' certification. Chief Huntsman made a motion to deny the Motion for Reconsideration, seconded by Director Vanderpool, motion carried unanimously.

Case #2 – Richard S. Bruha – Phoenix Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Director Vanderpool made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #3 – Matthew S. Hepker – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Director Vanderpool, motion carried unanimously.

Case #4 – Jose L. Rocha – Tucson Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – John F. Springfield – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Director Vanderpool made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

Case #6 – Arnold L. Ambos – Gila County Sheriff's Office

Chief Huntsman recused herself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

Case #7 – Fred J. Barlow – Colorado City Marshal's Office

Mr. Duarte recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler and Bruce Griffin, attorney for Fred Barlow. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Vanderpool, motion carried unanimously.

Case #8 – Preston L. Barlow – Colorado City Marshal's Office

Mr. Duarte recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler and Bruce Griffin, attorney for Preston Barlow. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

Case #9 – Jeffery T. Sakurai – Salt River Tribal Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Director Vanderpool made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #10 – Paul T. Sennett – AZ Department of Public Safety

At the request of Mr. Sennett, this case will be continued to October.

J. NEW CHARGING CASES:Case #1 – Thomas O. Baker – Phoenix Police Department

Director Vanderpool made a motion to close this case with **No Action with Agency Discretion**, seconded by Dr. Polakowski, motion carried unanimously.

Case #2 – Dorasita R. Begay – Navajo Division of Public Safety

Chief Sheridan made a motion to direct staff to **Research Further**, seconded by Director Vanderpool, motion carried unanimously.

Case #3 – Leroy E. Betts Jr. – Maricopa County Attorney's Office

Mr. Duarte recused himself from this case. Dr. Polakowski made a motion to close this case with **No Action**, seconded by Chief Huntsman, motion carried unanimously.

Case #4 – Thomas D. Kemper – Buckeye Police Department

Director Vanderpool made a motion to take **Initiate Proceedings**, seconded by Sheriff Vasquez, motion carried unanimously.

Case #5 – Kenneth W. Kratzer – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. Director Vanderpool made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #6 – Annie L. Krznarich – MVD Enforcement

Dr. Polakowski made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Sheridan, motion carried unanimously.

Case #7 – David R. Larimer – Tombstone Marshal's Office

Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #8 – Ronald L. LeDuc Jr. – Scottsdale Police Department

Director Vanderpool made a motion to ***Initiate Proceedings***, seconded by Chief Huntsman, motion carried unanimously.

Case #9 – John J. McDermott – Avondale Police Department

Chief Huntsman made a motion to close this case with ***No Action with Agency Discretion***, seconded by Director Vanderpool, motion carried unanimously.

Case #10 – Michael A. Melvin – Kingman Police Department

Director Vanderpool made a motion to ***Initiate Proceedings***, seconded by Chief Sheridan, motion carried unanimously.

Case #11 – Craig D. Roberts – Tucson Police Department

Chief Huntsman made a motion to close this case with ***No Action with Agency Discretion***, seconded by Sheriff Vasquez, motion carried unanimously.

Case #12 – Bradlee Norton – AZ Department of Public Safety

Director Vanderpool recused himself from this case. Chief Sheridan made a motion to close this case with ***No Action with Agency Discretion***, seconded by Chief Huntsman, motion carried unanimously.

Case #13 – Lewis S. Shupe – AZ Department of Public Safety

Director Vanderpool recused himself from this case. Sheriff Vasquez made a motion to ***Initiate Proceedings***, seconded by Chief Sheridan, motion carried unanimously.

Case #14 – Kevin L. Stevens – Tucson Police Department

Director Vanderpool made a motion to ***Initiate Proceedings***, seconded by Chief Huntsman, motion carried unanimously.

K. CALL TO THE PUBLIC

Mr. Mike Palmer addressed the Board during the call to the public and thanked the Board for revoking the peace officer certification of the Colorado City officers and encouraged the Board to look at other agencies where religion conflicts with an officer's duty as a peace officer.

L. ADJOURN

Chairman Butler adjourned the meeting at 12:00 p.m.